Calendar No. 56

101ST CONGRESS *1st Session*	SENATE	REPORT 101-22

CERTIFICATE OF DOCUMENTATION FOR THE VESSEL "LIBERTY"

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

OF THE

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ON

S. 104

MAY 12 (legislative day, JANUARY 3), 1989.—Ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
29-010 WASHINGTON : 1989

5263-2

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CERTIFICATION OF DOCUMENTATION FOR THE VESSEL "LIBERTY"

MAY 12 (legislative day, JANUARY 3), 1989.—Ordered to be printed

Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, submitted the following

REPORT

[To accompany S. 104]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 104) to authorize a certificate of documentation for the vessel *Liberty*, having considered the same, reports favorably thereon and recommends that the bill do pass.

PURPOSE OF THE LEGISLATION

S. 104, as reported, grants coastwise trading privileges to the vessel *Liberty*.

BACKGROUND AND NEEDS

Subject to certain limited exceptions, the provisions of law known as the Jones Act (section 27 of the Merchant Marine Act of 1920) and section 12106–12108 of title 46, United States Code, provide that only those vessels built in the United States, continuously documented under the laws of the United States, and continuously owned by U.S. citizens may transport merchandise or passengers in the coastwise trade of the United States.

Where the facts applicable to a particular vessel suggest that the U.S.-built or U.S.-owned requirements have not been satisfied, the Coast Guard may not issue a document permitting coastwise trading privileges for that vessel unless the requirements of the Act are statutorily waived.

The vessel *Liberty*, hull identification number BHA 5512 B, is a 20-ton sailing vessel built in the United States in 1969 and registered in the State of Hawaii. The current owner of the *Liberty*, a

U.S. citizen, intends to utilize the vessel for charter by up to 6 persons.

The owner is seeking a statutory waiver of the Jones Act because he is unable to establish fully the chain of title from the original owner to the present. He states that ten separate persons have owned the vessel since 1969, and he has been unable to locate all of the previous owners. The Coast Guard requires that a complete chain of title be established before documentation for coastwise trade can be issued.

LEGISLATIVE HISTORY

S. 104 was introduced in the Senate on January 25, 1989, by Senator Inouye. In open executive session, the Committee considered S. 104, and ordered the legislation reported favorably without objection and without amendment.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 26, 1989.

Hon. ERNEST F. HOLLINGS,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 104, a bill to authorize a certificate of documentation for the vessel *Liberty*. The bill was ordered reported by the Senate Committee on Commerce, Science, and Transportation on April 18, 1989. Enactment of S. 104 would not result in any cost ot the federal government or to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER,
Director.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

Because S. 104 does not create any new programs, the legislation will have no additional regulatory impact, and will result in no additional reporting requirements. The legislation will have no further effect on the number or types of individuals and businesses regulated, the economic impact of such regulation, the personal privacy of affected individuals, or the paperwork required from such individuals and businesses.

SECTION-BY-SECTION ANALYSIS

The bill consists of one section. It provides that, notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883) as applicable on the date of enactment of this Act, the vessel *Liberty,* hull identification number BHA 5512 B and State of Hawaii registration number HA 5512 B, is eligible to engage in the coastwise trade and the Secretary of the department in which the Coast Guard is operating may issue a certificate of documentation for such vessel.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.

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